

REMARKS

Claims 1-11, and 13-47 are pending, with claim 1 being the independent claim. The drawings have been amended. Claim 1 has been amended. No new matter has been added by way of this amendment. Reconsideration of the application is respectfully requested.

The drawings have been objected to by the Examiner on the basis that "all numeric blocks of Figures 1-2 need to be labeled with descriptive legends." (Office Action, ¶2). In response to this objection, Applicant has proposed amending the drawings as indicated on the enclosed sheet to include a descriptive legend in each of the numeric blocks. Accordingly, reconsideration and withdrawal of the objection to the drawings are respectfully requested.

Claims 1-17, 9-10, 13-18, 25-30, 32-37, and 39 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,790,974 to *Tognazzini*. Dependent claims 8, 19-24, 31, 38, and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Tognazzini* in view of U.S. Patent No. 5,307,400 to *Sawyer et al.* Dependent claims 11, 40-45 and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Tognazzini*.

Independent claim 1 has been amended to recite that the alert processor is arranged to actuate the alerting unit in dependence on the stored place for the appointment entry and the determined location of the personal organizer. Support for this limitation may be found on page 8, paragraph 3 of the specification. Therefore, no new matter has been added.

Tognazzini relates to a portable calendar system having a perceptual agent that receives information from different sources to manage the portable calendar system based on detected changes (see col. 2, lines 5 thru 9). However, this patent fails to teach the limitation "the alert processor [is] arranged to actuate the alerting unit in dependence on the stored place for the appointment entry and the determined location of the personal organizer," as set forth in amended claim 1. *Tognazzini* only teaches that an audible alarm may be generated at the beginning of the time period that a person travels, or when a stored schedule must be updated. (see e.g. col. 15, lines 6-8).

With respect to *Tognazzini*, automatically activating an alarm when a user begins to travel is disadvantageous. For instance, if the user has reached a location for a specific appointment, by the time the alarm is issued the appointment may be interrupted by alarm, since it was issued while the user is at the location of the appointment (see e.g., page 1. ¶ 3 of the specification). In addition, the effectiveness of the personal organiser, and its popularity with

users, is diminished by issuing inappropriate alarms (see e.g., page 2, ¶ 1 of the specification). These are all disadvantages suffered by the calendaring system disclosed in *Tognazzini*.

In contrast, the alert processor of the claimed invention is configured to “actuate the alerting unit in dependence on the stored place for an appointment and the determined location of the personal organiser.” Therefore, if the time of an appointment is reached and the organiser determines that it is physically at the location of the appointment, unlike the system disclosed in *Tognazzini*, the organizer set forth in amended claim 1 will either refrain from issuing an alert or it will use a modified form of alert, such as a silent alert (see page 8, ¶ 3 of the specification). In view of the foregoing, Applicant respectfully asserts that the claimed invention is patentable over *Tognazzini* and thus, reconsideration and withdrawal of the rejection of amended independent claim 1 under 35 U.S.C. §102(b) is respectfully requested.

The Office Action (page 4, paragraph 6) states:

Togazzini discloses the instant claimed invention except for the locating unit determining the location of the personal organizer by means of cellular telephone network. Sawyer et al. teach the use of a cellular telephone network to locate a mobile electronic device (col. 5, lines 17-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cellular network to determine the location of the device for the purpose of simplifying construction of the device.

Sawyer discloses a system for storing the temporary location of a mobile telephone subscriber for use in routing calls to that subscriber (see col. 1, lines 7-10). However, *Sawyer* fails to cure the deficiency of *Tognazzini*. Specifically, *Sawyer* also fails to teach the limitation “the alert processor being arranged to actuate the alerting unit in dependence on the stored place for the appointment entry and the determined location of the personal organizer.” In view of the foregoing, Applicant respectfully asserts that amended independent claim 1 is patentable over the combination of *Tognazzini* and *Sawyer*. Therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. §102 and §103 are respectfully requested.

Based on the patentability of amended independent claim 1 for the reasons set forth above, dependent claims 2-11, and 13-47 are also patentable.

Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By

A handwritten signature in black ink, appearing to read "Michael C. Stuart", written over a horizontal line.

Michael C. Stuart

Reg. No. 35,698

551 Fifth Avenue, Suite 1210

New York, New York 10176

(212) 687-2770

Dated: September 23, 2004